

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MATCH GROUP, LLC,

Plaintiff,

vs.

BUMBLE TRADING, INC.,

Defendant.

Case No.: 6:18-cv-00080-ADA-JCM

JURY TRIAL

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS MATCH GROUP, LLC'S FIRST AMENDED COMPLAINT**

Defendant Bumble Trading, Inc. ("Bumble") respectfully submits the attached supplemental authority in support of its Motion to Dismiss Match Group, LLC's First Amended Complaint. (D.I. 10) On November 5, 2018, the Court held a hearing on Bumble's Motion to Dismiss. During the hearing, the Court asked about Section 101 case law where a court examined a patent specification during the motion to dismiss phase. The following cases (attached as Exhibits 1-4) relate to this issue:

- *In re TLI Commc'n's LLC Patent Litig.*, 823 F.3d 607, 613-15 (Fed. Cir. 2017);
- *Talent Broker Tech. LLC v. Musical.ly, Inc.*, Case No. CV 17-08532-SJO (MRWx), 2018 WL3019641, at *7-*9 (C.D. Cal. May 22, 2018);
- *Cellspin Soft, Inc. v. Fitbit, Inc.*, 316 F. Supp.3d 1138, 1153-54 (N.D. Cal. 2018); and
- *TriPlay, Inc. v. WhatsApp Inc.*, C.A. No. 13-1703-LPS-CJB, 2018 WL 1479027, at *7-10 (D. Del. Mar. 27, 2018)

In addition, during the hearing, Counsel for Bumble informed the Court that it would provide the Court with Federal Circuit case law relating to variations in the recitation of the claimed abstract idea. *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1240-41 (Fed. Cir. 2016) (attached as Exhibit 5) addresses this issue.

Dated: November 8, 2018

Respectfully submitted,

By: Joseph M. Drayton

Joseph M. Drayton (*Pro Hac Vice*)
NY Bar No. 2875318
COOLEY LLP
1114 Avenue of the Americas
New York, NY 10036
Telephone: (212) 479-6000
Facsimile: (212) 479-6275
jdrayton@cooley.com

Michael G. Rhodes (*Pro Hac Vice*)
CA 116127
Matthew Caplan (*Pro Hac Vice*)
CA Bar No. 260388
COOLEY LLP
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone (415) 693-2000
Facsimile: (415) 693-2222
mrhodes@cooley.com
mcaplan@cooley.com

Rose S. Whelan (*Pro Hac Vice*)
DC Bar No. 999367
COOLEY LLP
1299 Pennsylvania Ave., N.W.
Suite 700
Washington, DC 20004
Telephone: (202) 842-7800
Facsimile: (202) 842-7899
rwhelan@cooley.com

Deron R. Dacus
Texas Bar No. 00790553
THE DACUS FIRM, PC
821 ESE Loop 323, Suite 430
Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543
ddacus@dacusfirm.com

**ATTORNEYS FOR DEFENDANT
BUMBLE TRADING, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record on November 8, 2018.

Joseph M. Drayton
Joseph M. Drayton